

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
JUNE 7, 2010

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on June 7, 2010, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, Dietrich, Hoggatt [arrived at 6:38 p.m.], Hunt, Keen, and Thomas.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Drew, Human Resources Director Foster, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

MINUTES

Councilor Keen moved for acceptance of the minutes of the April 29, 2010, Pre-Council Meeting, and the May 3, 2010, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder presented this report, which will be on file in the Clerk-Treasurer's Office. He highlighted that the Wastewater Utility is producing nearly 15% of the plant's electricity from non-traditional sources.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

PURDUE RELATIONS

Councilor Hoggatt presented this report.

PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

PERSONNEL

There was no report.

### BUDGET AND FINANCE

Councilor Dietrich mentioned that the Council work sessions continue. Two sessions have been held, and three department heads have presented their 2011 budget proposals. Three more Council work sessions are scheduled. Following direction from the Mayor, departments are requesting no increases in their budgets for 2011.

### REPORT OF APC REPRESENTATIVE

Councilor Keen deferred his comments until Ordinance No. 10-10 and Ordinance No. 11-10 are discussed.

### SPECIAL REPORTS

#### Introduction of New Members of Go Greener Commission – Go Greener Commission Chair Damico

Ms. Diane Damico [Chair, Go Greener Commission] introduced the three new Commission-appointed members of the Go Greener Commission. They are Terry Cegielski, Falon French, and Lindsey Payne. Mayor Dennis thanked the new commissioners for agreeing to serve the City.

#### Tax Abatement Summary – Department of Development

Director of Development Poole presented the listing of the City's active tax abatements. Each company granted abatement is required to complete a Form CF-1 each year. The form reports number of employees, the payroll, equipment purchased—for whatever the company was granted abatement. Mr. Poole said that, of the 14 active tax abatements, 13 are in compliance. Quadraspec has been found to be in non-compliance, due to the fact that they sold a core portion of their business to Antech Diagnostics, which is also in the Purdue Research Park. As a result of that sale, about 75% of the equipment for which they received the tax abatement was sold to the acquiring company. They still have about 25% of their equipment, but now Quadraspec is in non-compliance with the tax abatement guidelines. The process for the company to appeal the non-compliance was explained by City Attorney Burns. There are three steps described in State statute, the first of which was taken by the West Lafayette Economic Development Commission in making a recommendation to the Council that the Council should consider this matter; that step is completed. Step two is that the Council consider this matter and make a finding that (1) Quadraspec is out of compliance with its filing and (2) the reason for the non-compliance is due to factors that are within their control. Since the sale was voluntary, it does cause the next step to begin. The third step is to set and hold a hearing, at which Quadraspec may come to the Council and explain their situation. At that point, the Council would make a decision which might be from keeping the abatement in tact, withdrawing the abatement completely, or anything in between. Mr. Burns offered a proposed motion in the Council packets; that motion would be the second step. There is a 45-day period in which the hearing must be held. Mr. Burns suggested that Thursday, July 1, 2010, would be within the 45-day period and could be part of the Pre-Council meeting

Councilor Dietrich mentioned that Lafayette is going through a similar process, and Lafayette had the company representative at the Lafayette Council meeting. Councilor Dietrich said it would have been helpful to have a representative of Quadraspec at this meeting for discussion of this issue. Director of Development Poole responded that Steve Plump who is the interim president for Quadraspec is out of the country now. Mr. Poole said that he had spoken with Joe Chutka of Quadraspec, and the company would like to have the public hearing, because Quadraspec would like to continue its tax abatement. City Attorney Burns addressed the Lafayette process, indicating that that City may have compressed the time by having a finding

at their pre-council meeting, but that it is the same process. He noted that representatives of Quadraspec were given the opportunity to attend this meeting, but that it was logistically not possible.

Councilor Keen moved that Quadraspec be found in non-compliance, due to the information provided on their CF-1 form, received by the Department of Development on May 18, 2010, and find further that such non-compliance is not caused by factors beyond the control of Quadraspec, and find further that the appropriate statutory notice be sent to Quadraspec, notifying them of a hearing to be held during the Pre-Council meeting on Thursday, July 1, 2010, at 4:30 p.m. The motion was seconded by Councilor Burch.

Councilor Dietrich asked if the City is likely to get a request for 75% of the original abatement from Antech Diagnostics for the 75% of the equipment they bought from Quadraspec. Director of Development Poole answered that he has not heard from representatives from Antech.

Councilor Burch asked for information about the length of time of the abatement. Mr. Poole replied that the abatement was granted in 2006 for seven years.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

<u>AYE</u>	<u>NAY</u>
Bunder	
Burch	
Dietrich	
Hoggatt	
Hunt	
Keen	
Thomas	

The motion passed, 7-0.

Mayor Dennis announced that Quadraspec has been found in non-compliance. The hearing date is set for July 1, 2010, at 4:30 p.m. Director of Development Poole will notify Quadraspec.

#### PUBLIC RELATIONS

##### West Lafayette Community Beautification Award

Councilor Dietrich presented the June Beautification Award to Joann and Billy Bross of 712 Essex in Barbary Heights.

#### FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that the 2011 budget process has begun. The June 30, 2010, balances are the starting point for preparing budget documents. A new development is that Wastewater billings are now mailed locally. We have gained more flexibility in the design of the bills, and have decreased delivery time. 57% of the billing dollars are paid electronically now. Our fiscal year 2009 audit is happening now. The City received some federal stimulus grant money last year, and will receive more this year. Last year, that money was used for sidewalk work. This year, the money will be used for sidewalks and for some street resurfacing work. Federal grants in a city the size of West Lafayette are audited under a single audit

guideline. Stimulus grants are, by statute, all rated as high risk, unless otherwise proven. So the level of audit for any program associated with stimulus funds has changed. This is an attempt by the federal government to have more accountability for stimulus funds. Another requirement of the new guidelines for stimulus money is that auditors are required to report internal control deficiencies in the middle of the audit, even before the audit concludes. Adjustments in sub-recipient monitoring are being made. The May State Board of Accounts reports have been filed with the Council.

#### LEGAL REPORT

City Attorney Burns stated that the legal report is on file in the Clerk-Treasurer's Office.

#### UNFINISHED BUSINESS

Ordinance No. 09-10 (SECOND AMENDMENT BY INSERTION) An Ordinance Authorizing The City Of West Lafayette, Indiana To Issue Its "Economic Development Revenue Bonds, Series 2010 (Westminster Village Project)" And Approving Other Actions In Respect Thereto (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 09-10 (SECOND AMENDMENT BY INSERTION) by title.

Councilor Keen moved that Ordinance No. 09-10 (SECOND AMENDMENT BY INSERTION) be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Ms. Denise Barkdull [Ice Miller bond counsel for Westminster Village] reported that the changes that have been made have increased the amount of the bonds to a potential \$26 million. The Westminster Board is not certain the full amount will be needed, but it does allow the organization to borrow up to that amount. Huntington National Bank will purchase the bonds in a direct placement. Terms are being negotiated. These are City bonds, payable solely by revenues of Westminster Village.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

<u>AYE</u>	<u>NAY</u>
Bunder	
Burch	
Dietrich	
Hoggatt	
Hunt	
Keen	
Thomas	

Clerk-Treasurer Rhodes stated that the vote was 7-0.

Mayor Dennis announced that Ordinance No. 09-10 (SECOND AMENDMENT BY INSERTION) passed unanimously on final reading.

Mr. Tom Pearson [Chairman, Westminster Board of Directors], on behalf of the Westminster Board and residents, thanked the Mayor and the Council for their continued support of Westminster and its endeavors.

**NEW BUSINESS**

**Ordinance No. 10-10** To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #65, replaces UZO Amendment #63) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 10-10 by title.

Councilor Keen moved that Ordinance No. 10-20 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen explained that UZO Amendment #63 was passed by the Council in December. That legislation dealt with flood plain regulations within the County. DNR reviewed that document and initially improved it. After the final report was submitted, DNR rejected it. This amended version, UZO Amendment #65 has been approved by the DNR.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

<b><u>AYE</u></b>	<b><u>NAY</u></b>
Bunder	
Burch	
Dietrich	
Hoggatt	
Hunt	
Keen	
Thomas	

Clerk-Treasurer Rhodes stated that the vote was 7-0.

Mayor Dennis announced that Ordinance No. 10-10 passed unanimously on first and only reading.

**Ordinance No. 11-10** To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect (PDRS to R1B, Timberstone Development, LLC) (Submitted by Area Plan Commission) *[By action of the Council at the Pre-Council meeting on June 3, this ordinance was tabled until the August 2 Council meeting.]*

Councilor Hunt reported that she received a formal statement via email today from Mr. Teder, counsel for the petitioner, who requested to continue this item until August.

Clerk-Treasurer Rhodes noted that the Councilors received further information regarding whether this ordinance would be considered at all, because the wrong ordinance was apparently transmitted to her office in error. City Attorney Burns added that an error was made outside West Lafayette City Hall, and a completely incorrect ordinance was received. He

suggested that it may be presented “fresh” to the Council in August, so that the same issues will be dealt with, but it will be a different ordinance.

Councilor Hunt said that several of the Councilors have asked to be informed of the date and time of the neighborhood meeting. Mayor Dennis commented that Mr. Teder, counsel for the petitioner, had assured that he would provide that information.

Ordinance No. 12-10 To Establish The Medical Insurance Payment Fund, The Vision Insurance Payment Fund, And The Dental Insurance Payment Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 12-10 by title.

Councilor Keen moved that Ordinance No. 12-10 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes requested that the Council approve this ordinance which will split one fund into three separate funds to allow for three types of post-employment insurance benefits that are available. The new funds will facilitate accounting for the different programs. She requested two readings at this meeting.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

<u>AYE</u>	<u>NAY</u>
Bunder	
Burch	
Dietrich	
Hoggatt	
Hunt	
Keen	
Thomas	

Clerk-Treasurer Rhodes stated that the vote was 7-0.

Mayor Dennis announced that Ordinance No. 12-10 passed unanimously on first reading.

Councilor Keen moved to suspend the rules to consider this ordinance for final reading. The motion was seconded by Councilor Burch.

Mayor Dennis announced the motion to consider Ordinance No. 12-10 on second reading passed by unanimous voice vote.

Mayor Dennis read Ordinance No. 12-10 by title.

Councilor Keen moved for passage of Ordinance No. 12-10 on final reading, and the vote be by roll call. The motion was seconded by Councilor Burch.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

<u><b>AYE</b></u>	<u><b>NAY</b></u>
Bunder	
Burch	
Dietrich	
Hoggatt	
Hunt	
Keen	
Thomas	

Clerk-Treasurer Rhodes stated that the vote was 7-0.

Mayor Dennis announced that Ordinance No. 12-10 passed unanimously on second and final reading.

Ordinance No. 13-10 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 13-10 by title.

Councilor Keen moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes requested authority to make temporary loans from the Wastewater Utility to six funds, until December 31, 2010, for cash flow purposes.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

<u><b>AYE</b></u>	<u><b>NAY</b></u>
Bunder	
Burch	
Dietrich	
Hoggatt	
Hunt	
Keen	
Thomas	

Clerk-Treasurer Rhodes stated that the vote was 7-0.

Clerk-Treasurer Rhodes asked for a second reading at this meeting.

Councilor Keen moved to suspend the rules to consider Ordinance No. 13-10 for final reading. The motion was seconded by Councilor Burch.

COMMON COUNCIL MEETING MINUTES, JUNE 7, 2010, CONTINUED

Mayor Dennis announced the motion to consider Ordinance No. 13-10 on second and final reading passed by unanimous voice vote.

Mayor Dennis read Ordinance No. 13-10 by title.

Councilor Keen moved for passage of Ordinance No. 13-10 on final reading, and the vote be by roll call. The motion was seconded by Councilor Burch.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

<u><b>AYE</b></u>	<u><b>NAY</b></u>
Bunder	
Burch	
Dietrich	
Hoggatt	
Hunt	
Keen	
Thomas	

Clerk-Treasurer Rhodes stated that the vote was 7-0.

Mayor Dennis announced that Ordinance No.13-10 passed unanimously on final reading.

Resolution No. 06-10 A Resolution Authorizing The Filing Of An Application With The U.S. Department Of Housing And Urban Development, For Community Development Block Grant Funds, As Provided In Title I Of The Community Development Act Of 1974, As Amended (Submitted by Department of Development)

Mayor Dennis read Resolution No. 06-10 by title.

Councilor Keen read Resolution No. 06-10 by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis asked for discussion or questions.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

<u><b>AYE</b></u>	<u><b>NAY</b></u>
Bunder	
Burch	
Dietrich	
Hoggatt	
Hunt	
Keen	
Thomas	



Clerk-Treasurer Rhodes stated that the vote was 7-0.

Mayor Dennis announced that Resolution No. 06-10 passed unanimously on first and only reading.

### COMMUNICATIONS

► Councilor Dietrich thanked the City administration, the carpenters, and whoever else reconfigured the Council dais. It is much appreciated.

### CITIZEN COMMENTS

► Ms. Beth Goodman [3308 Jasper Street] began by stating that the comments she was about to make are hers and hers alone; she normally represents the League of Women Voters of Greater Lafayette at West Lafayette City Council meetings. Ms. Goodman expressed her concern about the growing number of empty storefronts in the City, particularly in the Pay Less shopping center. The Hallmark store and the Video Gallery are gone; there are four empty storefronts in that area. The Pot Belly restaurant site is still vacant. While she understands the economic times, Ms. Goodman remarked that she hopes that there is serious work being done by the Redevelopment Commission and the Economic Development Commission in trying to fill the vacancies, so that West Lafayette remains a vibrant and beautiful community that it is. She asked that, perhaps next month or in the months to come, a report of activities which are being undertaken to generate new businesses.

Councilor Burch commented to Ms. Goodman that she regularly contacts Director of Development Poole to learn what he has done to fill those vacancies. She feels they are an eyesore.

Ms. Goodman said that she appreciated Councilor Burch's efforts. She added that they are not only an eyesore and call to mind types of neighborhoods that she does not want the community to be associated with, but the loss of vital businesses and services. The everyday conveniences are being lost. She appreciates Councilor Burch's actions.

► Mr. Tom Kesler [479 Maple Street] said that he saw recently that the graffiti on the West Lafayette Public Library Garage was removed. He thanked the City and whoever those marks from the garage; it looks a lot cleaner now. Mayor Dennis answered that it was Mike Koning who does an amazing job. Councilor Hunt commented that, just as Mr. Kesler has won a Beautification Award for his service in picking up masonry and concrete, Mr. Koning has also been a Beautification Award winner because of his cleaning up graffiti. She thanked Mr. Kesler for acknowledging Mr. Koning's work. Councilor Burch added her thanks to Mr. Koning, and complimented Mr. Kesler on his continued efforts, diligence, and energy to keep the City clean. Mr. Kesler remarked that he is working on his 20<sup>th</sup> truckload of concrete. Councilor Hunt mentioned that Mr. Kesler sends monthly updates on his activities to the Council.

### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:22 p.m.